

PUBLIC NOTICE: 06-02

DATED: November 16, 2005

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON
THE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING
CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE
SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE PROPOSED
ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**CLASS II PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED
RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF
CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION
ORDERS AND THE REVOCATION, TERMINATION OR SUSPENSION OF
PERMITS", 40 CFR PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC
MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS II COMPLAINT OR**

PARTICIPATE IN A CLASS II PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS II ORDER IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS II PROCEEDING FOR THE ASSESSMENT OF PENALTIES:

IN THE MATTER OF THE VILLAGE OF GOWANDA SLUDGE COMPOSTING FACILITY, 27 EAST MAIN STREET, GOWANDA, NEW YORK, 14070, DOCKET NO. CWA-02-2005-3418; FILED ON JULY 19, 2005 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$36,000, FOR FAILURE TO COMPLY WITH THE PATHOGEN AND VECTOR ATTRACTION REDUCTION REQUIREMENTS AS REQUIRED BY THE 40 CFR PART 503 STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE

RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED ABOVE.

DORE LAPOSTA, DIRECTOR

DIVISION OF ENFORCEMENT AND COMPLIANCE ASSISTANCE